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EXAMINER
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CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/508,473

Applicant(s)

YAMAMOTO ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5 and 8-13, 14-25, 27-41, 44-50, 52-56, 58, 60-66** are rejected under 35 U.S.C. 102(e) as being anticipated by Sevcik (US Patent 6,266,699 filed April 17, 1997).

Re. **Claim 1**, Sevcik anticipates in a communication network comprising at least one information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, a billing method performed by said transfer device (Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32) comprising:

- recording network addresses for the information provider server and billing management information for identifying whether the information provider server is billed (for example, Col. 3, lines 5-12);
- detecting a network address of said server device designated when said user terminal receives an information transmission from said information provider server (for example, Col. 2, lines 47-57; Col. 3, lines 5-9);
- determining whether or not said information provider server is to be billed based on the detected network address and said billing management information (for example, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26);  
and

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- billing the information provider server which performed the information transmission if said billing management information indicates information provider server billing (for example, Col. 2, lines 47-57; Col. 5, lines 23-26).

**Re. Claim 2,** Sevcik anticipates a billing method as recited in claim 1, wherein said transfer device does not route an information transmission if the information provider server is not billed (for example, Col. 2, lines 32-43; Col. 2, line 62-Col. 3, line 9; Col. 4, lines 36-47).

**Re. Claim 3,** Sevcik anticipates a billing method as in claim 1, wherein said transfer device bills a user who received the information transmission if the information provider server is not billed (for example, Col. 2, line 62 - Col. 3, line 12).

**Re. Claim 4,** Sevcik anticipates a billing method in a communication network including an information provider server device, a plurality of user terminals which receive information from said server device and a transfer device for routing information transmission between said server device and said user terminals (for example, Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32); wherein said server device comprises:

- a step of including billing information which indicates whether or not to use IP billing which is billing with respect to the information provider in the transmission data supplied to said user terminals in response to a request (for example, Col. 2, lines 32-43, 47-57); and
- a step of determining whether or not said information transmission is subject to IP billing based on said billing information when routing the exchange of said transmission data (for example, Col. 2, lines 32-43, 47-57); and
- a step of performing a billing procedure with respect to the information provider which provided said information transmission if it is determined to be subject to IP billing (for example, Col. 2, lines 47-57; Col. 5, lines 23-26).

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**Re. Claim 5,** Sevcik anticipates a billing method as in claim 4, wherein said transfer device performs a billing procedure with respect to users who have received the information transmission if the information provider server is not billed (for example, Col. 2, lines 47-57; Col. 5, lines 23-2).

**Re. Claim 8,** Sevcik anticipates a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (for example, Col. 2, Lines 49-57; col. 3, lines 17-20).

**Re. Claim 9,** Sevcik anticipates a billing method as in any one of claims 1-5, wherein the object of said billing is based on an information fee for information provided (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32).

**Re. Claim 10,** Sevcik anticipates a billing method as in claim 9, wherein said transfer device bills users the information fees if the information provider server is not billed (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

**Re. Claim 11,** Sevcik anticipates a billing method as in any one of claims 1-7, wherein said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

**Re. Claim 12,** Sevcik anticipates a billing method as in claim 11, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network interconnecting information

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resources such as said server device assigned identification information for identifying an absolute network address (for example, Col. 2, line 62 - Col. 3, line 12; Col. 3, lines 17-32; col. 5, lines 6-9).

**Re. Claim 13,** Sevcik anticipates a billing method as in claim 12, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile terminals, and wherein said first communication network is the Internet (for example, Col. 3, lines 17-32).

**Re. Claim 14,** Sevcik anticipates a communication system comprising a plurality of information provider servers, a plurality of user terminals, and a transfer device for routing information between the information provider servers and the user terminals, a billing method performed by the transfer device comprising: recording network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill; receiving a network address of an information provider server, the information provider server providing the information for routing; determining which party to bill, from the at least two parties, based on the received network address and the billing management information; and billing the party (for example, Col. 2, line 32 – Col. 3, line 32).

**Re. Claim 15,** Sevcik anticipates a billing method of claim 14, determining which party to bill comprises:

comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and if the received network address matches the specific network address, determining which party, from the at least two parties, to bill for routing the information based on the billing management information correlated to the specific network address (for example, Col. 2, lines 46-61).

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**Re. Claim 16,** Sevcik anticipates a billing method wherein the network address is a URL (for example, col. 1, lines 60-61; Col. 3, lines 21-32).

**Re. Claim 17,** Sevcik anticipates a billing method wherein receiving a network address comprises receiving the network address when said user terminal receives an information transmission from said information provider server (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

**Re. Claim 18,** Sevcik anticipates a billing method wherein determining which party to bill comprises determining whether to bill the information provider server; and wherein billing the party comprises billing the information provider server if it is determined to bill the information provider server (for example, Col. 3, lines 21-32).

**Re. Claim 19,** Sevcik anticipates a billing method wherein billing the party comprises billing a user of the user terminal if it is determined not to bill the information provider server (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

**Re. Claim 20,** Sevcik anticipates a billing method wherein determining which party to bill comprises determining whether to bill a user of the user terminal; and wherein billing the party comprises billing the user if it is determined to bill the user (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

**Re. Claim 21,** Sevcik anticipates a billing method wherein a database correlates network addresses with billing management information; and wherein recording network addresses for the information provider servers and billing management information comprises registering the network addresses and the billing management information in the database (for example, ol. 2, line 32 - Col. 3, line 32).

**Re. Claim 22,** Sevcik anticipates a billing method wherein registering is performed by the information provider server (for example, Col. 3, lines 21-32).

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**Re. Claim 23**, Sevcik anticipates a billing method wherein routing of information comprises a pull-type information transmission (for example, Col. 2, lines 37-43, Col. 3, lines 21-32).

**Re. Claim 24**, Sevcik anticipates a billing method wherein the network address is received from the user terminal (for example, Col. 2, lines 35-43; 62-65; Col. 3, lines 21-32).

**Re. Claim 25**, Sevcik anticipates a billing method wherein receiving the network address comprises receiving a delivery acknowledgment signal from the user terminal (for example, Col. 2, lines 4 - Col. 3, line 32).

**Re. Claim 27**, Sevcik anticipates a billing method wherein the network address is received from the information provider server (for example, Col. 2, lines 35-37).

**Re. Claim 28**, Sevcik anticipates a billing method wherein determining which party to bill is performed after a user terminal sends a notification that data from the information provider server has been received (for example, Col. 2, lines 32 – COL. 3, line 32).

**Re. Claim 29**, Sevcik anticipates a billing method comprising routing at least a portion of the information from the information provider server to a user terminal (for example, Col. 2, lines 13-22; Col. 3, lines 21-32).

**Re. Claim 30**, Sevcik anticipates a billing method determining which party to bill comprises determining whether to bill the information provider server, and further comprising refusing to route the information from the information provider server to a user terminal if it is determined that information provider server is not to be billed (for example, Col. 2, line 4 - Col. 3, lines 32).



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**Re. Claim 31**, Sevcik anticipates a billing method wherein billing the party comprises billing the party based on the information routed (for example, Col. 2, lines 47-57).

**Re. Claim 32**, Sevcik anticipates a billing method wherein billing the party comprises billing the party based on content of the information routed (for example, Col. 2, lines 47-57).

**Re. Claim 33**, Sevcik anticipates a billing method wherein billing the party comprises billing the party based on an amount of the information routed (for example, Col. 2, lines 47-57).

**Re. Claim 34**, Sevcik anticipates a billing method wherein billing the party comprises billing the party based on communication services for routing the information (for example, Col. 2, lines 47-57).

**Re. Claim 35**, Sevcik anticipates a billing method wherein the billing management information further comprises type of billing; and wherein billing the party comprises billing the party based on the type of billing (for example, Col. 2, lines 47-57).

**Re. Claim 36**, Sevcik anticipates a billing method wherein the type of billing comprise amount-dependent or fixed-rate (for example, Col. 2, lines 47-57).

**Re. Claim 37**, Sevcik anticipates a billing method wherein the information provider server is in a first communication network following a first communication protocol, wherein the plurality of user terminals is in a second communication network following a second communication protocol, and wherein the transfer device is a gateway converting between the first and second communication protocols (for example, Col. 2, lines 4-46; Col. 3, lines 21-32).

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**Re. Claim 38,** Sevcik anticipates a billing method wherein the first communication network comprises an Internet, wherein the second communication network comprises a mobile communication network, and wherein the plurality of user terminals comprise mobile terminals (for example, Col. 2, line 1 - Col. 3, line 32).

**Re. Claim 39,** Sevcik anticipates a communication system comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals, a billing method performed by the transfer device comprising receiving a communication from the information provider server, the communication comprising, a billing method performed by the transfer device comprising, receiving a communication from the information provider server, the communication comprising (for example, Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32),

- information to be routed and billing information, wherein the billing information is other than a network address for the information provider server (for example, Col. 2, lines 47-61; Col. 3, lines 21-32);
- determining which party, from at least two parties, to bill for routing the information, wherein determining is based on the billing information (for example, Col. 2, lines 46-61); and
- billing the party (for example, Col. 2, lines 47-61; Col. 3, lines 21-32, inherent).

**Re. Claim 40,** Sevcik anticipates a billing method wherein the communication comprises HTML data, and wherein the billing information comprises a tag to the HTML data (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 40,** Sevcik anticipates a billing method of claim 39, wherein the billing information comprises an address within the transfer device (for example, Col. 3, lines 21-32).

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**Re. Claim 44,** Sevcik anticipates a communication **system** comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals, a method for operating the information provider server comprising sending network address and billing information from the information provider server to the transfer device for registration of the information provider server with the transfer device, wherein the billing information identifies which party is to be billed for routing information from the information provider server (for example, Col. 2, lines 4-52; Col. 2, line 62 - Col. 3, lines 33).

**Re. Claim 45,** Sevcik anticipates a method for operating the information provider server of claim 44, wherein the network address is a URL (for example, Col. 1, lines 60-61; Col. 3, lines 21-32).

**Re. Claim 46,** Sevcik anticipates a method for operating the information provider server of claim 44, wherein the billing information further comprises type of billing (for example, Col. 2, lines 47-57).

**Re. Claim 47,** Sevcik anticipates a method for operating the information provider server of claim 46, wherein the type of billing comprises amount-dependent or fixed-rate (for example, Col. 2, lines 47-57).

**Re. Claim 48,** Sevcik anticipates a communication system comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals, a method for providing billing information from the information provider server comprising sending a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server (for example, Col. 3, lines 21-32).

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**Re. Claim 49,** Sevcik anticipates a method for providing billing information of claim 48, wherein the communication comprises HTML data, and wherein the billing information comprises a tag to the HTML data (for example, Col. 2, lines 32-54; Col. 3, lines 22-33).

**Re. Claim 50,** Sevcik anticipates a method for providing billing information of claim 48, wherein the billing information comprises an address within the transfer device (for example, Col. 2, lines 32-53).

**Re. Claim 52,** Sevcik anticipates a transfer device for routing information from an information provider server to a plurality of user terminals, the transfer device comprising programming code in said transfer device for registering network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill; receiving a network address of an information provider server, the information provider server providing the information for routing; determining which party to bill, from the at least two parties, based on the registered network address and the billing management information; and billing the party (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 53,** Sevcik anticipates a transfer device wherein the programming code for determining which party to bill comprises code for comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and if the received network address matches the specific network address, code for determining which party, from the at least two parties, to bill for routing the information based on the billing management information correlated to the specific network address (for example, Col. 2, line 4 – Col. 3, line 33).

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**Re. Claim 54,** Sevcik anticipates a transfer device wherein the programming code for determining which party to bill is executed after a user terminal receives an information transmission from the information provider server (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 55,** Sevcik anticipates a transfer device wherein programming code for registering the network addresses and the billing management information comprises correlating the network addresses with the billing management information in a database (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 56,** Sevcik anticipates a transfer device wherein programming code for determining which party to bill comprises determining whether to bill the information provider server, and further comprising programming code for refusing to route the information from the information provider server to a user terminal if it is determined that information provider server is not to be billed (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 58,** Sevcik anticipates a transfer device wherein the billing managing portion calculates a number of packets to be exchanged when transmitting information to a user terminal, and stores the calculated number for the billing system (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 60,** Sevcik anticipates a transfer device comprising a system control portion for performing protocol conversion between the information provider server and the user terminals (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 61,** Sevcik anticipates a transfer device wherein the information provider server is in an Internet network; wherein the user terminals are in a mobile packet communication network; and wherein the system control portion performs protocol

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conversion between the mobile packet communication network and the Internet (for example, Col. 3, lines 13-20).

**Re. Claim 62,** Sevcik anticipates a transfer device comprising an information provider server for providing information to the user terminals, the information provider server connected to the bus (for example, Col. 2, line 4 – Col. 3, line 33. A bus is an essential element of computer systems and computer communications networks).

**Re. Claim 63,** Sevcik anticipates a transfer device in a communication network comprising registering means for registering network addresses of the information provider server and billing management information for identifying which party, from at least two parties, to bill; receiving means for receiving a network address of an information provider server, the information provider server providing the information for routing; determining means for determining which party to bill, from the at least two parties, based on the received network address and the billing management information; and billing means for billing the party (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 64,** Sevcik anticipates a transfer device wherein the registering means comprises means for registering network addresses, party to bill, and type of billing to apply (for example, Col. 2, line 4 – Col. 3, line 33).

**Re. Claim 65,** Sevcik anticipates a transfer device wherein the determining means comprises: means for comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and means for determining which party, from the at least two parties, to bill for routing the information based on the billing management information correlated to the specific network address (for example, Col. 2, line 4 – Col. 3, line 33).

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**Re. Claim 66**, Sevcik anticipates a communication system comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals, the transfer device comprising receiving means for receiving a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server; determining means for determining which party, from at least two parties, to bill for routing the information, wherein determining is based on the billing information; and billing means for billing the party (for example, Col. 2, line 4 – Col. 3, line 33).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Van Horne (US Patent 6,286,039, filed Apr. 8, 1998).

**Re. Claim 14**, the disclosures of Sevcik are discussed above.

**Re. Claim 26**, Sevcik does not explicitly disclose a billing method wherein routing of information comprises a push-type information transmission.

However, Van Horne discloses a billing method wherein routing of information comprises a push-type information transmission (for example, Col. 16, lines 55-60). Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik with that of Van Horne in order to implement automated networked billing employing push-type information transmission routing to obtain the broadest possible efficiencies and reach possible through available electronic network technology.

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**5. Claims 6-13, 39, 41, 42, 43, 48, 50 & 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Schutzer (US Patent 6,292,789, filed Aug. 21, 1998) and Van Horne.

Re. **Claim 6**, Sevcik discloses a communication network comprising an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, transmitting the information to the desired destination of the user terminal, a billing method performed by said server-transfer device (for example, Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32).

Sevcik does not explicitly disclose:

- said transfer device comprising a mailbox for mediating push-type information transmission;
- receiving, from said information provider server, address information for said mailbox information to be delivered to a user terminal and a desired destination of the user terminal;
- storing in said mailbox the information to be delivered to the user terminal;
- billing the information provider server for push-type transmission services through said mailbox.

However, Schutzer teaches the use of electronic mail messages and electronic mailboxes for billing and storage of such messages in an electronic mailbox (for example, Abstract, lines 9-13). Also, Van Horne discloses the use of push-type information transmission for billing options (for example, Col. 16, lines 55-57).

Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Sevcik by adopting the teachings of Schutzer and Van Horne for the purpose of efficiently operating an automated electronic information provider billing system.



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**Re. Claim 8,** Sevcik anticipates a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (Supra).

**Re. Claim 9,** Sevcik anticipates a billing method as in any one of claims 1-5, wherein the object of said billing is based on an information fee for information provided (Supra).

**Re. Claim 11,** Sevcik anticipates a billing method as in any one of claims 1-7, wherein said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (Supra).

**Re. Claim 7, Sevcik** discloses in a communication network an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, said transfer device comprising:

- an information provider server for mediating information transmission which is billed to the information provider server; and
- a billing method performed by said server transfer device (for example, Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32).

Sevcik does not explicitly disclose a transfer device which comprises:

- an information provider server mailbox for mediating **push-type** information transmission which is billed to the information provider server; and
- a user-billed mailbox for mediating information transmission which is not billed to the information provider server;
- an IP-billed mailbox for mediating push-type information transmission that is subject to IP billing which is billing with respect to the information provider;

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- receiving, from said information provider server, address information for said information provider server mailbox and first information to be delivered to a user terminal;
  - storing the first information to be delivered to the user terminal in the information provider server mailbox;
  - receiving, from said information provider server, address information for said user-billed mailbox and second information to be delivered to a user terminal; storing the second information to be delivered to the user terminal in the user-billed mailbox;
- billing the information provider server for at least a portion of the first information portion of the second information; and  
billing the user for at least a portion of the second information.

However, **Schutzer** teaches the use of electronic mail messages and electronic mailboxes for transmitting billing information to and storage of such messages in an electronic mailbox (for example, Abstract, lines 9-13).

Also, **Van Horne** discloses the use of push-type information transmission for billing options (for example, Col. 16, lines 55-57). Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Sevcik by adopting the teachings of Schutzer and Van Horne for the purpose of operating an efficient automated billing system involving electronic mailboxes and electronic information push technology.

Re. **Claim 8**, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (Supra).

Re. **Claim 9**, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on an information fee for information provide (Supra).

Re. **Claim 10**, Sevcik discloses a billing method as in claim 9, wherein said transfer device bills users the information fees if the information provider server is not billed (Supra).

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**Re. Claim 11,** Sevcik discloses a billing method as in any one of claims 6-7, characterized in that said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (Supra).

**Re. Claim 12,** Sevcik discloses a billing method as in claim 11, wherein said second communication network is a local network accommodating specific user terminals; and said first information communication network is a global network interconnecting information resources such as said server device assigned identification information for identifying an absolute network address (Supra).

**Re. Claim 13,** Sevcik discloses a billing method as in claim 12, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile terminals, and wherein said first information communication network is the Internet (Supra).

**Re. Claims 48 & 50,** the disclosures of Sevcik are discussed above.

**Re. Claim 51,** Sevcik does not explicitly disclose providing billing information wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, the mailbox for mediating push-type information transmission. However, Schutzer discloses providing billing information wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device (for example, Abstract).

Also, Van Horne discloses a mail box for mediating push-type information transmission (for example, Col. 16, lines 55-57).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik with that of Schutzer and Van Horne in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox to obtain the

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broadest possible efficiencies and reach through available electronic network technology.

**6. Claims 57 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Schutzer.

**Re. Claim 57**, Sevcik discloses a transfer device for routing information from an information provider server to a plurality of user terminals, the transfer device comprising:

- a database;
- an information managing portion for storing registration information for the user terminals and the information provider server in the database;
- a billing managing portion, the billing management portion accessing the registration information for the information provider server to determine whether to bill the information provider server and what type of billing to apply;
- a billing system in communication with the billing management portion, the billing system calculating the bill (for example, Col. 3, lines 21-32, inherent).

Sevcik does not explicitly disclose an information managing portion comprising:

- at least one mailbox for storing information to be transferred from the information provider server and the user terminals;
- a bus for connecting the information managing portion, billing management portion and the information managing portion.

However, Schutzer discloses an information managing portion comprising:

- at least one mailbox for storing information to be transferred from the information provider server and the user terminals;
- a bus for connecting the information managing portion, billing management portion and the information managing portion.

Schutzer (for example, Abstract, lines 9-13. A bus is an essential element of computer systems and computer communications networks).

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It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik and Schutzer in order to implement automated networked routing of billing from an information provider to multiple users through at least one user mailbox for storing information as part of an effort to obtain the broadest possible information distribution and billing efficiencies and reach through available electronic network technology.

**Re. Claim 59**, Sivcek does not explicitly disclose a transfer device wherein the information managing portion comprises a plurality of mailboxes for storing information based on a type of mail service.

However, Schutzer discloses a transfer device wherein the information managing portion comprises a plurality of mailboxes for storing information based on a type of mail service (for example, Abstract, lines 9-13).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik and Schutzer in order to implement automated networked routing of billing from an information provider to multiple users through a plurality of user mailboxes for storing information as part of an effort to obtain the broadest possible information distribution and billing efficiencies and reach through available electronic network technology.

**7. Claims 39, 41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Schutzer and Van Horne.

**Re. Claim 39**, the disclosures of Sevcik are discussed above.

**Re. Claim 41**, the disclosures of Sevcik are discussed above.

**Re. Claim 42**, Sevcik does not explicitly disclose a billing method wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, the mailbox for mediating push-type information transmission, and further comprising storing the information to be routed in the mailbox accessible by the transfer device.

However, Schutzer discloses a billing method wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, and

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further comprising storing the information to be routed in the mailbox accessible by the transfer device (for example, Abstract).

Also, Van Horne discloses a mailbox for mediating push-type information transmission (for example, Col. 16, lines 55-57)

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik, Schutzer and Van Horne with the further art of Schutzer in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox and storing such information in such a mailbox as part of an effort to obtain the broadest possible efficiencies and reach through available electronic network technology.

**Re. Claim 43**, Sevcik and Van Horne do not explicitly disclose a billing method wherein the information provider is billed for the information stored in the mailbox.

However, Schutzer discloses a billing method wherein the information provider is billed for the information stored in the mailbox (for example, Abstract).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik, Schutzer and Van Horne and with the additional art of Schutzer in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox and storing such information in such a mailbox as part of an effort to obtain the broadest possible efficiencies and reach through available electronic network technology.

### ***Response to Arguments***

8. Applicant's arguments filed July 3, 2003 have been fully considered but they are not persuasive.

**Independent CLAIM 1:** Applicant argues that Sevcik does not teach elements a) and c) (page 18, lines 2-6:

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a) recording network addresses for the information provider server and billing management information for identifying whether the information provider server is billed;

c) determining whether or not said information provider server is to be billed based on the detected network address and said billing management information.

**RESPONSE:** As cited Supra, Sevcik does anticipate the argued deficiencies.

Re. the alleged deficiency involving claim element a), Sevcik's Col. 3, line 14 clearly cites "storing", which is the same as "recording" of the claimed limitation.

Re. the alleged deficiency involving claim element c), Sevcik clearly anticipates the "determining of whether or not said device is to be subject to IP billing based on the detecting network addresses and said billing management information in Col. 2, line 47 - Col. 3, line 32. This section is all about billing, related "determining" routines, and related options therein.

**Independent CLAIM 4:** Applicant argues that Sevcik " (1) does not send billing information, which is not the network address of the information provider, to the SCP", and (2) "does not determine billing based on the billing information" (page 19, lines 4-6).

**RESPONSE:** Applicant's argument is moot since it is not based on applicant's claim.

The closest related component to applicant's Claim 4 argument is element c), "a step of performing a billing procedure with respect to the information provider which provided said information transmission if it is determined to be subject to IP billing". These limitations are clearly anticipated by Sevcik (supra). The arguments involving Schutzer and Van Horne are also moot since these references do not relate to the rejection of claim 4.

**Independent CLAIMS 6 & 7:**

**RESPONSE:**

(1) These arguments are unpersuasive because Applicant appears to have made typographical and grammatical errors on page 20, lines 3-25. These errors have the effect of misquoting the facts of claims 6 and 7. The error is in the use of double quotation marks for these writings, which totally misrepresent the facts. Double quotes indicate a claim to an exact quotation of a writing, with no room for abbreviations,

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paraphrasing, summarizing, etc. This writing fits none of the accepted variations for the use of double quotation marks.

(2) As cited *supra*, the 3 cited rejection references do indeed disclose the limitations of claim 6. This includes the partial claim limitation elements applicant has cited in his argument:

**Re. Claim 6:**

- “receiving, from said information provider server, address information for said mailbox, information to be delivered to a user terminal, and a desired destination of the user terminal”. This claim component is anticipated by Sovcik (Information Provider Server (*supra*)) and Schutzer (user terminal, mailbox and related address information – Abstract; billing information is information);
- “billing the information provider server for push-type transmission services through said mailbox”. Van Horne discloses push-type transmission services (*Supra*), while billing through a mailbox is disclosed by Schutzer.
- The motivation for combining the disclosures is cited above.

**Re. Claim 7:**

- "receiving, from said information provider server, address information for said information provider server mailbox and first information to be delivered to a user terminal". And
- billing the information provider server for at least a portion of the first information".
- See the Examiner's responses to the arguments against the prior art used to reject claim 6, above.

***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks Washington D.C. 20231*

or faxed to:


(703)305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-8177 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC

August 28, 2003

  
**JEFFREY PWU**  
**PRIMARY EXAMINER**